

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 7

FRANK DIDIO,

Case No. 19-41281 (CEC)

Debtor.

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**STIPULATION AND ORDER FIXING THE AMOUNT OF LEGAL
FEES OF EDWARD DELLI PAOLI AS ATTORNEY FOR DEBTOR IN THIS CASE**

WHEREAS, on March 5, 2019 (the “Petition Date”), Frank Didio (the “Debtor”) filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code; and

WHEREAS, as set forth on the Debtor’s petition, Edward Delli Paoli (“Delli Paoli”) represents the Debtor in this chapter 7 case; and

WHEREAS, the Debtor filed a prior chapter 7 case (Case No. 18-40369) on September 7, 2018 and received a discharge in that case on August 15, 2018; and

WHEREAS, on April 2, 2019, the United States Trustee filed a motion under 11 U.S.C. § 727(a)(8) objecting to the Debtor’s discharge in this case because the Debtor received a discharge six months prior to the Petition Date in a chapter 7 case commenced within eight years of the filing of this case; and

WHEREAS, the initial Disclosure of Compensation Statement filed in this case and executed by Delli Paoli indicated that he had received the sum of \$5,000 for representing the Debtor in this case; and

WHEREAS, on April 2, 2019, the United States Trustee communicated with Delli Paoli to raise concerns with regard to the reasonableness of the fees paid by the Debtor in this case pursuant to 11 U.S.C. §329; and

WHEREAS, ON April 8, 2019, Delli Paoli filed an amended Disclosure of Compensation (the “Amended Disclosure of Compensation”) indicating that the total fees for services in this case were \$5,000 but that only \$3,000 had been received as of the Petition Date, leaving an outstanding balance of \$2,000 (ECF Doc. No. 12); and

WHEREAS, after the filing of the Amended Disclosure of Compensation, Delli Paoli entered into discussions with the United States Trustee to resolve his concerns with regard to standards set forth under 11 U.S.C. §329; and

WHEREAS, in order to resolve the issues raised by the United States Trustee with respect to Delli Paoli's compensation, the parties have agreed to the provisions set forth below.

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- 1) From the \$3,000 paid to Delli Paoli by the Debtor for representation in this case, Delli Paoli shall reimburse to the Debtor the sum of \$1,000.
- 2) Delli Paoli shall provide to the Office of the United States Trustee an attorney's check, certified check or money order in the amount of \$1,000 payable to the Debtor to be received on or before May 1, 2019 which shall be mailed to:

The Office of the United States Trustee
201 Varick Street, Suite 1006
New York, NY 10014
Att: Marylou Martin

- 3) Upon receipt of the \$1,000 attorney's check, certified check or money order payable to the Debtor from Delli Paoli, the Office of the United States Trustee shall forward same to the Debtor via overnight mail at the address listed on the Petition.
- 4) Delli Paoli shall not request, demand or accept any additional funds from the Debtor in connection with his representation of the Debtor in this case, including but not limited to the \$2,000 outstanding balance listed on the Amended Disclosure of Compensation filed in this case.

[Signatures on Next Page]

Dated: New York, New York
April 18, 2019

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE

By: /s/ Marylou Martin
Marylou Martin

Office of the United States Trustee
Eastern District of New York
201 Varick Street, Suite 1006
New York, New York 10014

Dated: Staten Island, New York
April 18 , 2019

/s/ Edward Delli Paoli
Edward Delli Paoli
3295 Amboy Road, Suite 10
Staten Island, New York 10306
Attorney for Debtor